



faegredrinker.com

Susan M. Sharko  
Partner  
susan.sharko@faegredrinker.com  
+1 973 549 7350 direct

Faegre Drinker Biddle & Reath LLP  
600 Campus Drive  
Florham Park, New Jersey 07932  
+1 973 549 7000 main  
+1 973 360 9831 fax

July 31, 2024

Honorable Michael A. Shipp, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Building & US Courthouse  
402 East State Street  
Trenton, NJ 08608

Honorable Rukhsanah L. Singh, U.S.M.J.  
United States District Court  
Clarkson S. Fisher Building & US Courthouse  
402 East State Street  
Trenton, NJ 08608

Re: *Johnson & Johnson Talcum Powder Products, Marketing, Sales Practices and Products Liability Litigation*  
**Case No.: 3:16-md-02738-MAS-RLS**

Dear Judge Shipp and Judge Singh:

I write in response to the PSC's letter earlier today (Dkt. No. 33040), in which the PSC seeks "guidance" regarding its obligation to identify the case that is selected for trial on August 5, 2024. The PSC's letter is premised on the misconception that Defendants missed their dispositive motion deadline; apparently the PSC missed Dkt. No. 32991, which extended the dispositive motion deadline to August 23, 2024.

Based on the erroneous view that Defendants "have waived the opportunity to file dispositive motions," the PSC asks the Court for leave to identify a trial case "shortly after dispositive motions are filed." In short, the PSC wants to see what the Defendants believe are the PSC's weakest cases before making its trial selection. This request flies in the face of the currently operative scheduling order (Dkt. No. 32991), which contemplates the PSC identifying its trial selection by August 5, 2024 and dispositive motions being filed **after** the trial case has been selected. Indeed, Defendants' request to continue the dispositive motion deadline was premised in part on the efficiency that would be gained by knowing which case would be the target of the dispositive motions (Dkt. No. 32974). The PSC does not even acknowledge this history, instead merely arguing that it "needs to understand the legal challenges that will be made by Defendants (other than those contained in Defendants' *Daubert* motions) in order to effectively evaluate the strengths and weaknesses of the bellwether cases." The PSC already has an advantage by being allowed to select the first bellwether case for trial; there is no basis for deferring that selection until the filing of summary judgment motions.

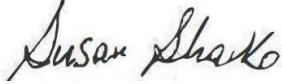
Thank you for your consideration of these matters.

Hon. Michael A. Shipp, U.S.D.J.  
and Hon. Rukhsanah L. Singh,  
U.S.M.J.

- 2 -

July 31, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan Sharko". The signature is fluid and cursive, with the first name "Susan" and last name "Sharko" clearly distinguishable.

Susan M. Sharko  
**FAEGRE DRINKER BIDDLE & REATH LLP**

SMS/emf

cc: All Counsel (via ECF)